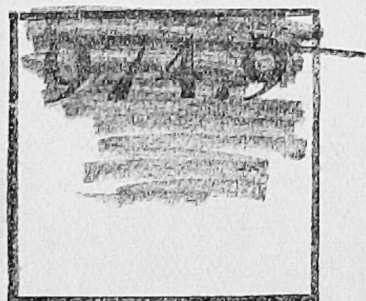


ANNUAL REPORT
INSPECTOR OF
FACTORIES AND WORKSHOPS
1904

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Twenty-Second Annual Report

OF THE

Department of

Factory and Workshop Inspection

(Department of Labor)

OF THE

State of New Jersey.

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Department of Factory and Workshop Inspection of the State of New Jersey.

(Department of Labor)

REPORT.

STATE OF NEW JERSEY,
OFFICE OF COMMISSIONER OF LABOR,
TRENTON, N. J., October 31, 1904.

Hon. Franklin Murphy, Governor of the State of New Jersey:

SIR—I beg leave to submit to you herewith the twenty-second annual report of the Department of Factory and Workshop Inspection and its successor, the Department of Labor, for the year ending October 31st, 1904:

Previous to September 1st, 1903, the age limit for the employment of children in the State was fourteen years for girls and twelve years for boys. From September 1st, 1903, to September 1st, 1904, the age limit was fourteen years for both girls and boys. On September 1st, 1904, the present law creating the Department of Labor went into effect, and the age remained fourteen years for both girls and boys. The great difference between the present law, relative to the employment of children, and that which existed during the year previous is in the required proofs of age. Under the old law, the unsupported affidavit by the parents of a child was sufficient protection to the manufacturer, and the practical working of this requirement was unquestionably creating many cases of false swearing and placing a premium upon perjury. The burden of the proof was entirely upon the Department, and before it could obtain conviction, it was required to satisfy a Court that the child was not

fourteen years of age. It was also necessary under the old law to bring suit against the parents or custodian of a child for false affidavit. A fine was to be imposed by the Court, but not to exceed \$50. As frequently they were in destitute circumstances, it was difficult to bring a suit and obtain or collect satisfactory damages. One of the greatest advantages of the present law is that the opportunity to prepare a false affidavit is reduced to the minimum. Under the present system, the manufacturer is entitled to the same immunity from a suit for the employment of a child, provided he has first secured an affidavit from the parent or parents, supported by one of the required proofs of age, and that correct copies of all papers, certificates, passports and affidavits relating to such employment shall be mailed, postage prepaid, to the Department, at Trenton, within twenty-four hours after the same are filed. He must also keep in the main office of his place a register in which shall be recorded the names, places of residence and time of employment of all minors working under certificates, transcripts, passports or affidavits. For the purpose of proving their age, children are divided into three classes:

1. *Native-Born Children.*

The parent or parents must make affidavit before an authorized officer that the child is passed fourteen years of age, and must accompany such affidavit with a transcript of the record of the child's birth, duly attested by an officer authorized by the law to keep records of births in the town or city in which the child was born. If no such birth record can be obtained, and the child was baptised, then a certified copy of the baptismal record of the church or parish in which such baptism took place, certified as a true copy, and the affidavit shall set forth the age of the child at the time of baptism.

2. *Foreign-Born Children.*

An affidavit must be made stating the same facts as in the case of native-born children, together with a statement that the child named in the affidavit is the same mentioned and described in the

passport under which the child was admitted to this country; and a true copy of the said passport must be attached.

3. *Other Children.*

The Commissioner has power to issue permits of employment to children upon production of evidence of the child's age satisfactory to him; provided that he is satisfied the child cannot obtain any proofs of age above mentioned.

This third section is an important one in the proper management of the Department. Among the rights under the law to be respected is that of a child which is over fourteen years of age to work, and unless this latitude was permitted a great many hardships would be entailed. On the other hand, a too great laxity in the issuing of special permits would greatly retard the proper enforcement of the law. The Department insists, before issuing such a permit, that evidence be produced showing an effort has been made to obtain the proper records, and that a Factory Inspector see the child personally, and advise the Department that it is in his judgment not only more than fourteen years of age, but also that it is in proper physical condition for employment in factories. It will be seen that a strict enforcement of the present law on affidavits will largely do away with the evil of children under fourteen years of age working under false affidavits, a common practice under the old law. Before the affidavit becomes operative, proof of the child's age must have been produced, and the Department at Trenton apprised of the conditions by a duplicate set of papers, which are filed with it. The process has the additional advantage of securing our assistance in protecting well-meaning manufacturers by pointing out the inaccuracies in the papers as they are filed with the Department. Since the first day of September we have issued, largely upon request, 31,000 blank forms for affidavits, composed partly of those for native and foreign-born children. We have had filed with us since that date approximately 3,000 affidavits made out on the new form. The Labor Law provides that all affidavits which are filed under the old act previous to the first day of last September have the same force and virtue

as those complying with the new requirements. Considering this fact, the number of affidavits received seems to indicate the desire upon the part of the manufacturers to comply with the law. A number of these affidavits are not complete in all the details, and we are insisting upon a strict compliance with the requirements of the law. Another wise section permits the demand for proofs of age. Where the Department finds a child working in a factory who is manifestly under age, but cannot obtain proof of the fact, we may demand a "Proof of Age." In this case the custodian of the child must produce proof satisfactory to the Department. Another important section empowers the Department to demand a certificate of physical fitness. In many cases one child at twelve years of age is much better equipped for factory work than another child at fifteen. Where the physical condition of the child seems to indicate too frail a constitution to carry on the work required of it we may demand a certificate from some practicing physician that the child is strong enough for the work.

Before making up the forms and blanks for operation of the Department, we corresponded with practically all the Factory Departments in the United States, and naturally secured a great mass of literature on the subject. We have adopted a system of blanks which, while not perfect, apparently covers every condition. The Inspectors are required to fill out in detail the inspection blanks, and they are in turn filed in the Department office. In this manner a history of each case can be found. The system has proven practically satisfactory, and it is particularly effective in detecting cases of re-employment of children who have been discharged from one factory and receive employment in another.

While ignorance is never an excuse for the violation of the law, at the same time it is so frequently pleaded that we mailed to each manufacturer of the State a copy of the law, prepared by the Department in book form, containing an index pointing to the various heads of the act; a copy of both a native-born and foreign born affidavit; a summary of the new law, for posting

in factories, and a scale drawing of the proper fire escape. They were accompanied by a letter calling attention to certain salient features, and volunteering further assistance. These letters have brought on a very considerable amount of correspondence, and show a disposition upon a large part of the manufacturers of the State to comply with the law.

A criticism has been made that at times when a child is taken from a factory, instead of going to school, it runs the streets. We have adopted a course of notification, designed to obviate this evil. Orders are made for the discharge of a child from an order book in three sections; one is for the stub, giving a description of the case; another contains a notice to the manufacturer to discharge the child within five days after the receipt of the order, and a third is a return slip, apprising the Department of the date upon which the child left their employ. Each case is given a number, and a sister book is kept, wherein the same number is used in each instance, and when a discharge notice is sent out a notice is mailed to the nearest truant or other educational authority, informing him that a child of a certain name and address will be discharged from a mill on a given date. While we have not the authority to follow up a case further, at the same time the proper enforcement of the Compulsory Educational Law insures the attendance at school.

The Department has brought, under the old law, twenty-three suits for the improper employment of children, and has secured nineteen judgments, being successful in all but one case which have been finally disposed of at this time. Our present inspections certainly indicate the fact that there are less children under fourteen years of age working in the factories of New Jersey than at any other time in the history of the Department. The crowded conditions of the school rooms, shown by reports from various sections of the State, would also bear out this contention. The law provides that affidavits may be made before officers qualified by law to take affidavits on other subjects, and by the Factory Inspectors. It is the policy of the Department to have the affidavits taken, as far as possible, by the Inspectors, as they are better informed on the subject, and this practice also reduces

the chances of having the blank made out by an unprincipled person who is looking simply for his fee in the case.

Many persons are of the opinion that practically all the work of this Department is confined to the enforcement of the Child Labor Law. While that branch is a very important one, at the same time we are entrusted with the enforcement of certain factory conditions which are, in my mind, almost, if not quite, as important. The protection of employees from accidents arising from the improper guarding of hoistways, hatchways, elevators, well holes and dangerous machinery, such as saw planers, cogs, gearing, belting, set screws, etc. The provision relative to the use of hoods and blowers over emery wheels and belts is important. By the enforcement of this law, the small particles of metal which arises from the use of emery wheels is minimized. It is an undisputed fact that the continuous use of the emery wheel without a hood or blower is very detrimental to the health of the operator, in many cases producing consumption, and frequently affecting the eyesight. The Department had not issued any blower orders previous to the 1st of November, the first two months during which that law was in force, being devoted to investigating the conditions in factories in which grinding, buffing and polishing was carried on. On account of the considerable expense entailed in the installation of blowers, it was deemed best to make this investigation a thorough one, rather than to issue orders which might subsequently be subject to modification. We are entrusted with the enforcement of sufficient ventilation throughout the various workshops of the State. The sanitary arrangements of factories are also regulated by us. We are called upon to see that separate and distinct water closets are provided for each sex, and that they shall be properly screened, ventilated and kept clean, and also that separate approaches shall be provided for closets used by women. If women or girls are employed, a dressing room shall be provided for them when ordered by the Commissioner. A large amount of good work has been done along these lines, and the sanitary arrangements generally are gradually becoming improved.

The regulation of sweatshops is another section of the Labor Law, but in the limited time during which we have had a sufficient number of Inspectors to devote to the work we have not been able to go into this branch to the extent which its importance demands.

The law requires suitable fire escapes to be erected on buildings where more than twenty-five employees are located higher than the second story. The style of the fire escape is specified in great detail, and has been found in every way satisfactory. It calls for a strong, well-made escape, but one which can be made by any competent ironworker, thus insuring every degree of competition for their erection. We are making a special effort to provide suitable means of escape in case of fire in every factory in the State.

The present manner of conducting the affairs of the Department is, I believe, greatly superior to the old system when Deputies issued their own orders and supervised their execution. Now the head of the Department is held responsible for the acts of the Inspectors, whose duty it is to report facts as they find them, accompanied by their suggestions and recommendations. If, in his judgment, conditions warrant an order, it is issued in proper form, and the case is followed up systematically, to see that it is obeyed. The new law has been in effect only since the first of last September, and a large number of the Inspectors are new. It has, naturally, taken us most of this time to get down to a practical working basis, and, no doubt, proportionally better results will be obtained during the coming year. The conditions surrounding the employment of minors and fire protection and other factory affairs have been changed so frequently within the past few years that, in my opinion, it is not advisable to attempt any further legislation on these subjects until the present law is given a fair trial.

The enforcement of the law relative to bakeshops was not placed in the hands of this Department, and I think the supervision of the bakeshop conditions of the State should be handled by the Department of Labor.

The enforcement of proper fire protection on places where the public congregate in small towns of a certain class should, in my opinion, be regulated by this Department, as in most cases no attempt is made on the part of the municipal authorities.

The Department has endeavored to recognize and protect the various interests of the parties with whom it has to deal. While strictly enforcing the Child Labor Law, at the same time it has aimed to do so in such a manner as to permit every child over fourteen years of age the right to work under the provision of the law. It has also endeavored to administer provisions intended for the betterment of labor conditions in such a manner as to protect the undeniable rights of capital, enforcing the law with as little inconvenience and hardship as possible to the manufacturers. We have been able to accomplish a number of good results without even the necessity of an order. Whenever possible, this course will be pursued, as it will be our aim to administer the act insuring to the laborer his just claims without any undue hardship or inconvenience to the employer.

During the year closing October 31st, 1904, the Department inspected 1,788 manufacturing establishments, making, in addition to special visits and inspections, 2,404 regular inspections. There were 272 orders issued, and 397 children discharged as below the legal age.

Very respectfully,

LEWIS T. BRYANT,

Commissioner of Labor.

